

Message Text

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TO AMEMBASSY TOKYO

HICOMTERPACIS SAIPAN MARIANAS ISLANDS

INFO AMCONSUL OSAKA KOBE

COMNAVMARIANAS GUAM MARIANAS ISLANDS

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SUBJET:JAPANESE FISHING OPERATIONS IN TTPI WATERS

REF: TOKYO 14992

IN MARCH 1972 THE CONGRESS OF MICRONESIA PASSED A
LAW ESTABLISHING A CONTIGUOUS FISHING ZONE OUTSIDE THE
THREE MILE LIMIT. THE RESTRICTIONS STIMULATED THE
JAPANESE TO SUGGEST POSSIBLE ARRANGEMENTS UNDER WHICH THEY
COULD CONTINUE FISHING IN THE ZONE AS THEY HAVE IN THE PAST.

AFTER
LENGTHY CONSIDERATION THE JAPANESE EMBASSY
IN WASHINGTON WAS GIVEN A PAPER DURING OCTOBER CONTAINING
AN ESSENTIALLY NEGATIVE RESPONSE.

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THE TEXT OF THAT PAPER IS TRANSMITTED FOR THE INFORMATION OF-ADDRESSEES:

BEGIN TEXT WE HAVE CONSIDERED THE REPRESENTATION MADE BY THE EMBASSY OF JAPAN IN OCTOBER , 1972 SOLICITING IN VIEW OF RECENT MICRONESIAN LEGISLATION, THE CONCURRENCE THE UNITED STATES GOVERNMENT IN THE CONTINUANCE OF JAPANESE FISHING OPERATIONS INSIDE THE NINE-MILE CONTIGUOUS FISHING ZONE OF MICRONESIA AT LEVELS NOT EXCEEDING THOSE IN THE PAST. AFTER CONSULTATION WITH THE CONGRESS OF MICRONESIA, THE HIGH COMMISSIONER OF THE TRUST TERRITORY HAS INDICATED TO US HIS DOUBT THAT THE CONGRESS WOULD FAVORABLY CONSIDER ANY RELAXATION OF PREVIOUS RESTRICTIONS.

THE UNITED STATES GOVERNMENT IS THEREFORE UNABLE TO CONCUR IN THIS REQUEST TO CONTINUE FISHING IN WATERS OVER WHICH THE CONGRESS OF MICRONESIA, WITH THE APPROVAL OF THE HIGH COMMISSIONER, HAS PLACED RESTRICTIONS. IT IS ACCORDINGLY INCUMBENT UPON US TO NOTIFY THE GOVERNMENT OF JAPAN THAT WE WILL UNDERTAKE TO ENFORCE THE RESTRICTIONS ON FISHING PRESCRIBED IN MICRONESIAN PL 4C-43 WITH THE FULL RESOURCES AVAILABLE TO US IN THE AREA. FURTHERMORE, THE TRUST TERRITORY ADMINISTRATION MUST, UNDER THE LAWS OF THE TRUST TERRITORY, PROSECUTE VIOLATORS OF THE LAW IN QUESTION WHO MAY BE BROUGHT BEFORE THE COURTS OF THE TRUST TERRITORY.

WITH REFERENCE TO THE EMBASSY'S REPRESENTATION IN OCTOBER, 1972, IT IS ALSO NECESSARY TO REITERATE OUR POSITION TO AVOID MISUNDERSTANDING THAT THE UNITED STATES GOVERNMENT, AS THE ADMINISTRATIVE AUTHORITY FOR MICRONESIA, IS THE COMPETENT AUTHORITY WITH WHICH TO NEGOTIATE ANY ARRANGEMENT REGARDING FISHING IN THE WATERS IN QUESTION. IN VIEW OF THE PRESENT DELICATE STATUS OF THE NEGOTIATIONS ON THE FUTURE STATUS OF MICRONESIA WE GREATLY APPRECIATE THE EXPRESSED WILLINGNESS OF THE

GOVERNMENT OF JAPAN TO DEFER NEGOTIATIONS UNTIL A MORE SUITABLE TIME IN THE FUTURE. KISSINGER

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